LPDES PERMIT NO. LA0084069, AI 10132, ACTIVITY NO. PER20080002
STATEMENT OF BASIS

FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

COMPANY/FACILITY: Bollinger Shipyards, Inc.
Bollinger Lockport, LLC
P. O. Box 250
Lockport, Louisiana 70374

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Elizabeth Johnson

DATE PREPARED: February 1, 2010

I. PERMIT STATUS

A. Reason For Permit Action:

Proposed reissuance of an existing Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711.

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX revised as of June 20, 1997.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301.F, 4901 and 4903.

B. NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permit LA0084069
LPDES permit effective date: June 1, 2004
LPDES permit expiration date: May 31, 2009
LPDES permit modification: December 1, 2005
LPDES permit modification: November 1, 2006

Stormwater Permit – LAR05N063
LPDES permit effective date: May 1, 2009
LPDES permit expiration date: April 30, 2011

Sanitary Discharge – LAG560256
LPDES permit effective date: June 1, 2009
LPDES permit expiration date: May 30, 2011

D. Date Application Received: October 31, 2008
Additional Information Received: October 9, 2009

II. FACILITY INFORMATION

A. Location:

8365 Highway 308 South, Lafourche Parish
Latitude: 29° 36' 46"
Longitude: 90° 29' 26"

B. Applicant Activity:

Bollinger Shipyards, Inc., Bollinger Lockport, LLC, facility (BLN-BLR), located in Lockport, in Lafourche Parish, is an existing marine vessel and barge maintenance and repair facility that has been in operation since the 1946. The industrial activities conducted include cutting, welding, blasting, painting, corrosion protection application, engine maintenance and repair, structure repair and part replacement. These activities occur within the fabrication shops, on or around the five (5) marine railways and wet dock area located along Bayou Lafourche.

According to the application, there may be wastewater discharges from customer vessels which are docked at the facility that are not generated from construction or maintenance and repair operations conducted by BLN-BLR. These wastewater discharges are generated as a result of normal operation of the vessels. Coverage under this LPDES permit does not exempt the vessel from compliance with the requirements of the EPA Vessel General Permit For Discharges Incidental to the Normal Operation of Vessels (*See http://www.epa.gov/npdes/vessels).*

C. Technology Basis:

40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401, 405-417 and 421-471 as adopted by reference in LAC 33:IX.4903.

Other sources of technology based limits:

General Permit Authorization for Class II Sanitary Discharge (LAG540000)
General Permit Authorization for Class III Sanitary Discharge (LAG560000)
General Permit Authorization for Hydrostatic Test Wastewater (LAG670000)
General Permit Authorization for Exterior Vehicle Wash Wastewater (LAG750000)

D. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 3731

III. RECEIVING WATERS:

A. Stream:

Bayou Lafourche

B. Basin and Subsegment:

Subsegment 020401

C. Designated Uses:

The designated uses of this subsegment in the Barataria Basin are primary contact recreation, secondary contact recreation, propagation of fish and wildlife and drinking water supply.

IV. OUTFALL INFORMATION

Outfall 005

A. Discharge Type: treated sanitary wastewater from the yard

B. Location: at the point of discharge from the treatment plant located at the northeast of the facility prior to combining with other waters. (Latitude: 29° 37' 4", Longitude: 90° 29 14)

C. Treatment: activated sludge package sanitary treatment plant

D. Flow: 25,000 GPD

E. Discharge Route: directly to the Bayou Lafourche

Outfall 006

A. Discharge Type: facility ballast water and/or void water

B. Location: at the point of discharge from the facility owned/leased work barges/vessels and/or marine railways prior to combining with other waters.
(Latitude 29° 36' 29.3", Longitude 90° 29' 27")

C. Treatment: none

D. Flow: intermittent

E. Discharge Route: directly to Bayou Lafourche

Outfall 007

A. Discharge Type: external equipment wash wastewater from portable washing operations used for washing equipment throughout the facility.

B. Location: at the point of discharge from the washing activity prior to combining with other waters.
(Latitude 29° 36' 58", Longitude 90° 29' 17")

C. Treatment: none

D. Flow: intermittent

E. Discharge Route: local drainage to Bayou Lafourche

Outfall 008

A. Discharge Type: hydrostatic test wastewater from ballast/void tanks and/or new or previously cleaned piping, vessels and tanks.

B. Location: at the point of discharge from the piping, vessel and/or tank being tested prior to combining with other waters. (Latitude 29° 36' 47", Longitude 90° 29' 25")

C. Treatment: none

D. Flow: intermittent

E. Discharge Route: local drainage to Bayou Lafourche

Outfall 009

A. Discharge Type: treated compressor condensate

B. Location: at the point of discharge from the oil/water separator near Guard Shack A prior to combining with other waters. (Latitude 29° 36' 44", Longitude 90° 29' 25")

C. Treatment: oil and water separation

D. Flow: intermittent

E. Discharge Route: local drainage to Bayou Lafourche

Outfall 010

A. Discharge Type: treated compressor condensate

B. Location: at the point of discharge from the oil/water separator behind Shop 3 prior to combining with other waters. (Latitude 29° 36' 52", Longitude 90° 29' 18")

C. Treatment: oil and water separation

D. Flow: intermittent

E. Discharge Route: local drainage to Bayou Lafourche

Outfall 011

A. Discharge Type: treated compressor condensate

B. Location: at the point of discharge from the oil/water separator next to Shop 5 prior to combining with other waters. (Latitude 29° 36' 48", Longitude 90° 29' 12")

C. Treatment: oil and water separation

D. Flow: intermittent

E. Discharge Route: local drainage to Bayou Lafourche

Outfall 012

A. Discharge Type: treated compressor condensate

B. Location: at the point of discharge from the oil/water separator behind the machine shop prior to mixing with other waters. (Latitude 29° 36' 53", Longitude 90° 29' 22")

C. Treatment: oil and water separation

D. Flow: intermittent

E. Discharge Route: local drainage to Bayou Lafourche

Outfall 013

A. Discharge Type: treated sanitary wastewater from the yard

B. Location: at the point of discharge from the treatment plant near the living quarters prior to combining with other waters. (Latitude 29° 36' 41", Longitude 90° 29' 14").

C. Treatment: activated sludge package sanitary treatment plant

D. Flow: < 50,000 GPD

E. Discharge Route: directly to the Bayou Lafourche

V. PROPOSED CHANGES FROM PREVIOUS PERMIT:

A. Outfall 001 - a company request to change the 250 mg/L daily maximum COD limitation to a 150 mg/L daily maximum TOC limitation due to interference from high chloride concentrations was partially granted. Analytical results submitted by Bollinger suggest that 50 mg/L daily maximum TOC limitation is more appropriate. Therefore, the 250 mg/L COD limitation has been replaced with a 50 mg/L daily maximum TOC limitation.

B. Outfall 006A - this outfall has been deleted. These discharges are now covered under the 2008 Vessel General Permit, issued by the Environmental Protection Agency, (VGP), effective on December 19, 2008. The requirements and conditions of this permit may be viewed at **http://www.epa.gov/npdes/pubs/vessel_vgp_permit.pdf**.

C. Discharge Monitoring Report language listed at Part II, Paragraph V of the permit has been revised to delete the requirement to send duplicate copies of DMRs to the Southeast Regional Office.

D. The Complexity and Wastewater Type designations have been changed to better reflect updated Departmental permitting guidance and current guidance for the ship building and repairing and boat building and repairing, pleasure craft categories as defined by the INTERIM STRATEGY FOR COMPLEXITY DESIGNATION DETERMINATIONS FOR SIC CODES 3731 AND 3732.

E. The monitoring frequency for flow, TOC and Oil and Grease through Outfall 006 were changed from once per month to once per discharge at the permittee's request and to better reflect current Departmental guidance concerning the permitting of ship building and repairing facilities.

F. There are numerous changes to Part II. These changes are due to updates to Departmental guidance concerning the permitting of ship building and repairing facilities. These changes include additional requirements resulting in changes in numbering from the previous permit.

G. The additional reporting requirement of monthly average flow has been added to Outfall 008.

H. The Permittee's request to remove the pollution preventions plan requirements for external equipment washing has been denied. These requirements are consistent with current Departmental guidance concerning permitting of ship building and repair facilities.

I. Potable water tank and line disinfection requirements are established as a Part II condition per the permittee's request.

J. Outfall 013 was added. Upon issuance of the final permit, LPDES general permit authorization LAG560256 will be terminated.

K. The monitoring frequency for discharges through Outfall 007 was increased from once per quarter to once per month based upon the number and frequency of excursions noted during the compliance review for this outfall.

VI. PERMIT LIMIT RATIONALE:

The following section sets forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. Also, set forth are any calculations or other explanations of the derivation of specific effluent limitation and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. Outfall 005:

The discharge of treated sanitary wastewater from the shipyard, dormitory and tool room areas.

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[1]
Flow-MGD	Report	Report	1/quarter
BOD_5	30	45	1/quarter
TSS	30	45	1/quarter
Fecal Coliform[2]	200 colonies/100 mL	400 colonies/100 mL	1/quarter
pH(standard units)	6.0[3] Minimum	9.0[3] Maximum	1/quarter

[1] When discharging.

[2] Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to discharge.

[3] The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Site Specific Considerations for Outfall 005

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per quarter and reported on the DMR as an estimate.

BOD_5, TSS, fecal coliform and pH limitations and monitoring requirements are established based on LPDES General Permit LAG540000. These parameters shall be monitored at a frequency of once per quarter and collected as a grab sample. These requirements have been retained from the current LPDES permit, effective on June 1, 2004.

B. Outfall 006:

The intermittent discharge of facility ballast water and/or void water.

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[1]
Flow-MGD	Report	Report	1/discharge
TOC[2]	---	50	1/discharge
Oil & Grease[2]	---	15	1/discharge
pH(standard units)	6.0[3] Minimum	9.0[3] Maximum	1/month
Visible Sheen	---	No Presence	1/discharge

1. See Part II Paragraph N.

2. Discharge shall be sampled whenever there is a presence of a visible sheen.

3. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Site Specific Considerations for Outfall 006

Flow and pH effluent limitations and monitoring frequencies are based upon LDEQ's current guidance for permitting these types of wastewaters, LAC 33:IX.2707.I.1.b and LAC 33:IX.1113.C.1.

Oil & Grease effluent limitation and monitoring frequency are based upon LDEQ's current guidance for permitting these types of wastewaters. **Sampling is only required when a visible sheen is present (See Permit Part II, Paragraph N).**

Visible Sheen effluent limitation and monitoring frequency is based upon LDEQ's current guidance for permitting these types of wastewaters.

TOC 50 mg/L daily maximum effluent limitation has been established to replace the 250 mg/L daily maximum COD limitation at a monitoring frequency of 1/discharge based on best professional judgment. The once per discharge monitoring frequency is consistent with LDEQ's current guidance for permitting these types of wastewaters. **Sampling is only required when a visible sheen is present (See Permit Part II, Paragraph N).**

Bollinger requested to change their organic indicator parameter from COD to TOC due to analytical interference with the COD results stemming from high inorganic constituent concentrations (such as from chloride levels typically found in marine waters). According to the request, this interference results in reported COD concentrations that are not representative of the actual organic compound concentrations that the COD analysis is intended to measure.

Bollinger's initial letter dated September 11, 2007, requested consideration for the 150 mg/L daily maximum TOC limitation based on similar discharges permitted by other Region VI states. To support this request, Bollinger collected analytical data from June 2007 through December 2008 and presented the results in a document dated March 30, 2009. This data demonstrated that there is a correlation between high chloride concentrations and high COD concentrations in the wastewater, and that TOC concentrations remain unaffected as a result of high chloride concentrations. The data also demonstrated that all TOC values were less than 50 mg/L. Therefore, LDEQ has determined that a 50 mg/L daily maximum TOC limitation is more appropriate for the discharge of maintenance and operational ballast waters from dry docks and facility owned/leased vessels and has established this limitation accordingly.

C. Outfall 007:

The discharge of external equipment wash wastewater from portable washing operations used for washing equipment throughout the facility.[1,2]

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[3]
Flow-MGD	Report	Report	1/month
TSS	---	45	1/month
TOC[5]	---	50	1/month
COD[5]	200	300	1/month
Oil & Grease	---	15	1/month
pH(standard units)	6.0[4] Minimum	9.0[4] Maximum	1/month
Soaps and/or Detergents[6]	Report	---	1/month

[1] For portable washing operations, a representative sample of the wastewater to be discharged during each monitoring period shall be taken, provided that the same soaps and/or detergents are used throughout that monitoring period. If the soaps, detergents or other additives used are changed during a particular monitoring period an additional representative sample of that wastewater shall be taken and reported on a Discharge monitoring Report (DMR) form.

2. See Part II, Paragraph Q.

3. When discharging.

4. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

5. When soaps and/or detergents are used, COD shall be monitored rather than TOC.

6. The quantity and types of all soaps and/or detergents used during the sampling month shall be recorded. Records of the quantity and types of soaps and/or detergents used shall be retained for three (3) years following Part III.C.3. Additionally, a material safety data sheet (MSDS) for each material used shall be retained. No DMR reporting is required.

Site Specific Considerations for Outfall 007

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per quarter and reported on the DMR as an estimate. These requirements have been retained from the current LPDES permit, effective on June 1, 2004.

TSS, TOC, COD, Oil & Grease, Soaps and/or Detergents and pH limitations and monitoring requirements are established based on LPDES General Permit for Exterior Vehicle Wash Wastewater, LAG750000. These parameters shall be monitored at a frequency of once per month and collected as a grab sample. These limitations retained from the current LPDES permit, effective on June 1, 2004. The monitoring frequency was increased due to the compliance history at this outfall.

D. Outfall 008:

The discharge of hydrostatic test wastewater from ballast/void tanks and/or new or previously cleaned piping, vessels and tanks.

PARAMETER[1]	MONTHLY AVERAGE (mg/L)[4]	DAILY MAXIMUM (mg/L)[5]	MONITORING FREQUENCY[2,3]
Flow-GPD	Report	Report	1/discharge
TSS[6]		90	1/discharge
Oil & Grease	---	15	1/discharge
TOC		50	1/discharge
Benzene	---	50 µg/L	1/discharge
BTEX[7] (Total)	---	250 µg/L	1/discharge
Lead	---	50 µg/L	1/discharge
pH(standard units)	6.0[8] Minimum	9.0[8] Maximum	1/discharge

[1] Flow, TSS, Oil and Grease, and pH shall be measured on discharges from all new and existing pipelines, flowlines, vessels or tanks. Total Organic Carbon (TOC) shall be measured on discharges from existing pipelines, flowlines, vessels or tanks which have previously been in service – i.e., those which are not new. For Discharge Monitoring Report calculations and reporting requirements for benzene, analytical test results less than 10µg/L may be reported as zero. Benzene, Total BTEX and Lead shall be measured on discharges from pipelines, flowlines, piping, vessels or tanks which have been used for the storage or transportation of liquid or gaseous petroleum hydrocarbons. **Accordingly, Flow, TSS, Oil and Grease, and pH are the only testing requirements for new pipelines, flowlines, vessels or tanks.**

[2] When discharging.

[3] If any discharge extends beyond one week in duration, then sampling the above parameters shall continue on a weekly basis until discharge ends.

[4] The month with the highest monthly average shall be reported.

[5] The highest result from an individual hydrostatic test must be reported.

[6] Report the TSS concentration of the intake water on the DMR along with the concentration of TSS in the effluent, if the effluent is being returned to the same water source from which the intake water was obtained. In these cases, the net value shall not exceed 90 mg/L. Concurrent sampling of the influent and effluent is required

[7] BTEX is measured as the sum of benzene, toluene, ethylbenzene, ortho-xylene and para-xylene, as quantified using the methods prescribed by the latest approved 40 CFR 136, Tables A-G

[8] The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Note: Additives, such as corrosive inhibitors, bactericides and dyes, may not be added to test water to be discharged without prior written approval from this Office. Written requests for approval must include toxicity data for each additive proposed for use, as well as a clear description of the proposed discharge including projected volumes of wastewaters and additive levels in the wastewaters.

Site Specific Considerations for Outfall 008

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per discharge event and reported on the DMR as an estimate.

Benzene, Total BTEX, Lead, Oil & Grease, TOC and TSS limitations and monitoring requirements are established in accordance with LPDES General Permit for Hydrostatic Test and Vessel Testing Wastewater, LAG670000. These parameters shall be monitored at a frequency of once per discharge event and collected as a grab sample. These limitations and monitoring requirements have been retained from the current LPDES permit, effective on June 1, 2004.

pH is established in accordance with LAC 33:IX.1113.C.1. pH shall be monitored once per discharge event and collected as a grab sample. This limitation and monitoring requirement has been retained from the current LPDES permit, effective on June 1, 2004.

E. Outfall 009:

The discharge of treated compressor condensate.

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[1]
Flow-MGD	---	Report	1/month
TOC	---	50	1/month
Oil & Grease[2]	---	15	1/month
pH(standard units)	6.0[2] Minimum	9.0[2] Maximum	1/month

1. When discharging

2. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Site Specific Considerations for Outfall 009

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per month and reported on the DMR as an estimate. These requirements have been retained from the current LPDES permit, effective on June 1, 2004.

TOC and Oil and Grease shall be monitored at a frequency of once per month and collected as a grab sample. These limitations and monitoring requirements have been retained from the modification to the current LPDES permit, effective on December 1, 2005:

F. Outfall 010:

The discharge of treated compressor condensate.

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[1]
Flow-MGD	---	Report	1/month
TOC	---	50	1/month
Oil & Grease[2]	---	15	1/month
pH(standard units)	6.0[2] Minimum	9.0[2] Maximum	1/month

1. When discharging

2. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Site Specific Considerations for Outfall 010

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per month and reported on the DMR as an estimate. These requirements have been retained from the current LPDES permit, effective on June 1, 2004.

TOC and Oil and Grease shall be monitored at a frequency of once per month and collected as a grab sample. These limitations and monitoring requirements have been retained from modification to the current LPDES permit, effective on December 1, 2005.

G. Outfall 011:

The discharge of treated compressor condensate.

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[1]
Flow-MGD	---	Report	1/month
TOC	---	50	1/month
Oil & Grease[2]	---	15	1/month
pH(standard units)	6.0[2] Minimum	9.0[2] Maximum	1/month

1. When discharging

2. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Site Specific Considerations for Outfall 011

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per month and reported on the DMR as an estimate. These requirements have been retained from the current LPDES permit, effective on June 1, 2004.

TOC and Oil and Grease shall be monitored at a frequency of once per month and collected as a grab sample. These limitations and monitoring requirements have been retained from the modification to the current LPDES permit, effective on December 1, 2005.

H. Outfall 012:

The discharge of treated compressor condensate.

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[1]
Flow-MGD	---	Report	1/month
TOC	---	50	1/month
Oil & Grease[2]	---	15	1/month
pH(standard units)	6.0[2] Minimum	9.0[2] Maximum	1/month

1. When discharging

2. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Site Specific Considerations for Outfall 012

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per month and reported on the DMR as an estimate. These requirements have been retained from the current LPDES permit, effective on June 1, 2004.

TOC and Oil and Grease shall be monitored at a frequency of once per month and collected as a grab sample. These limitations and monitoring requirements have been retained from modification to the current LPDES permit, effective on December 1, 2005.

I. Outfall 013:

The discharge of treated sanitary wastewater from the facility's office buildings.

PARAMETER	MONTHLY AVERAGE (mg/L)	DAILY MAXIMUM (mg/L)	MONITORING FREQUENCY[1]
Flow-MGD	Report	Report	1/month
BOD_5	20	30	1/month
TSS	20	30	1/month
Fecal Coliform[2]	200 colonies/100 mL	400 colonies/100mL	1/month
pH(standard units)	6.0[3] Minimum	9.0[3] Maximum	1/month

1 When discharging.

2 Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to discharge.

3 The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Site Specific Considerations for Outfall 013

Flow is established in accordance with LAC 33:IX.2707.I.1.b. Flow shall be monitored at a frequency of once per quarter and reported on the DMR as an estimate.

BOD_5, TSS, fecal coliform and pH limitations and monitoring requirements are established based on LPDES General Permit authorization LAG560256. These parameters shall be monitored at a frequency of once per month and collected as a grab sample.

VII. TMDL WATERBODIES

The United States Environmental Protection Agency (EPA) issued a final report for Total Maximum Daily Load (TMDL) for Fecal Coliforms for Bayou Lafourche, Louisiana (Subsegment 020401) dated May 21, 2004, and Dissolved Oxygen and Nutrients for Bayou Lafourche subsegment 020401 in the Barataria Basin, Louisiana dated March 17, 2005. Subsegment 020401, Bayou Lafourche – Donaldsonville to Intracoastal Waterway at Larose, listed on EPA's Final TMDL list as impaired for fecal coliform, dissolved oxygen (DO) and nutrients. No wasteload allocations were assigned to this facility. Therefore, this Office has determined that it is appropriate to address the fecal coliform impairment through effluent limitation of 200 colonies/100mL monthly average and 400 colonies/100mL daily maximum for Outfall 005 and Outfall 013. DO and nutrient impairments are addressed through TOC effluent limitations of 50 mg/L monthly average for Outfall 005, Outfall 006, Outfall 007, Outfall 008, Outfall 009, Outfall 010, Outfall 011 and Outfall 012, and COD effluent limitations of 200 mg/L monthly average and 300 mg/L daily maximum for Outfall 007.

When oxygen-demanding substances are controlled and limited to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. Implementing the dissolved oxygen TMDL through future wastewater discharge permits and implementing best management practices to control and reduce runoff of soil and oxygen-demanding pollutants will also control and reduce the nutrient loading.

LDEQ's position regarding water quality criteria for nutrients is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. See *In The Matter of Sierra Club and Louisiana Environmental Network Request for Nutrient Limits.* Docket No. AHD-DR-96001. LDEQ April 29, 1996.

The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDLs and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

VIII. COMPLIANCE HISTORY/DMR REVIEW:

A review of LDEQ records from the time period of January 1, 2007 through January 20, 2010, was conducted. No records of open enforcement actions were noted for this facility during this time frame.

An inspection was conducted at BLN-BLR on August 16, 2007. No areas of concern were noted.

The following DMR excursions were noted. These excursions were referred to the Office of Environmental Compliance, Enforcement Division as required per current Office guidance for permit writers.

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	EXCURSIONS
1/3/2008	005	TSS	45mg/L	82 mg/L
4/3/2008	007	TOC	50 mg/L	50.2 mg/L
5/23/2008	007	COD	300 mg/L	469 mg/L
		pH	6 – 9 s.u.	Failed to Monitor
5/29/2008	007	TOC	50 mg/L	66 mg/L
		COD	300 mg/L	Failed to Monitor
		pH	6 – 9 s.u.	Failed to Monitor
		TSS	45 mg/L	Failed to Monitor
		Oil & Grease	15 mg/L	Failed to Monitor
7/3/2008	007	COD	300 mg/L	399 mg/L
1/12/2009	006	COD	300 mg/L	Failed to Monitor
2/ 28/2009	013	Fecal Coliform	400 colonies/100 mL	700 colonies/100 mL
		TSS	30 mg/L	38 mg/L
3/31/2009	007	TSS	30 mg/L	55 mg/L
		Oil & Grease	15 mg/L	19.9 mg/L
4/30/2009	013	TSS	45 mg/L	53 mg/L
5/7/2009	007	Oil & Grease	15 mg/L	17 mg/L
		TSS	30 mg/L	Failed to Monitor
5/14/2009	013	Fecal Coliform	400 colonies/100 mL	2300 colonies/100 mL

IX. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020401 of the Barataria Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated January 10, 2010, from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

X. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Office is required.

XI. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

XII. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing